

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :  
YUKAKO FUJIWARA : EXAMINER: ROGERS, JUNE M.  
SERIAL NO: 10/518,549 :  
FILED: JANUARY 3, 2005 : GROUP ART UNIT: 1612  
FOR: VESICLE DISPERSION AND :  
COSMETIC CONTAINING THE SAME :

ELECTION OF SPECIES RESPONSE

COMMISSIONER FOR PATENTS  
ALEXANDRIA, VIRGINIA 22313

SIR:

In response to the Election of Species Requirement dated June 9, 2008, Applicants provisionally elect, for examination purposes only: (A) sucrose monostearate for the sucrose fatty acid ester; (B) ceramide 2 for the sphingosine or a derivative thereof; (C) water for the aqueous component; (D) isostearic acid for the branched fatty acid having a melting point of 80°C or less; (E) the optional sterol is absent; and (F) the optional drug is absent. Generic claims 17-22, 24-28 and 32-36 read on the elected species.

Pursuant to MPEP § 803.02, upon determining that the elected species is allowable, examination should be expanded to include a search of the non-elected species within the Markush group. Applicants submit that the present application is now in condition for allowance and notification to this effect is earnestly solicited.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.  
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